

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

ALISON SCHULTZ, individually, and)
on behalf of all others similarly situated,)

Plaintiff,)

v.)

CASE NO. 5:23-CV-00030-KDB-SCR

PLANET AUTOMOTIVE GROUP, LLC)
and PLANET AUTOMOTIVE GROUP)
HICKORY, LLC,)

Defendants.)

**CONSENT MOTION FOR LEAVE TO
FILE AMENDED COMPLAINT AND FOR
THE COURT TO ENTER AN AMENDED
SCHEDULING ORDER**

COMES NOW Plaintiff Alison Schultz (“Plaintiff”), individually and on behalf of others similarly situated, and Defendants Planet Automotive Group, LLC and Planet Automotive Group Hickory, LLC, pursuant to the Rule 15(a)(2) and the Court’s Scheduling Order, for their Consent Motion for Leave to File Second Amended Complaint and for the Court to Enter An Amended Scheduling Order:

1. The deadline for amendment of pleadings is December 4, 2023. Plaintiff, with Defendant’s consent, seeks leave to file a Second Amended Complaint.
2. The Second Amended Complaint adds an additional Defendant Helm Technologies, LLC d/b/a Chatterspot (“Chatterspot”) to the Complaint.
3. Through discovery and information exchanged between the parties, Plaintiff learned that Chatterspot may potentially have joint and several text messages as to the sending of the text messages at issue.

4. Moreover, after extensive discussion between counsel, the parties believe the filing of the amended complaint would help facilitate more efficient discovery and settlement discussions.

5. This Court should grant the instant consent motion and permit Plaintiff to file an amended complaint because: (1) Defendants consent to the filing of the amended complaint pursuant to Rule 15(a)(2); (2) the amendment is within the time permitted for by the Court's operative scheduling order; and, (3) justice requires the filing of an amended complaint as Plaintiff learned of an additional potentially liable party through the course of discovery.

6. The parties therefore request that Plaintiff be granted leave to file a Second Amended Complaint.

7. The parties also further request that an amended scheduling order be entered upon Chatterspot being served. This will allow the parties to engage in necessary discovery with Chatterspot, provide Chatterspot a fair opportunity to defend itself and to give the parties a fair opportunity to adjudicate their claims and defenses.

WHEREFORE Plaintiff Alison Schultz and Defendants Planet Automotive Group, LLC and Planet Automotive Group Hickory, LLC respectively request that the Court grant Plaintiff leave to file a Second Amended Complaint and to enter a new scheduling order upon Chatterspot being served.

BUTSCH ROBERTS & ASSOCIATES LLC

/s/ Christopher E. Roberts

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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2023, I caused a true and correct copy of the foregoing notice to be served upon all persons and entities registered and authorized to receive such notice through the Court's Case Management Electronic Case Files (CM/ECF) system.

/s/ Christopher E. Roberts

Christopher E. Roberts